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MAY 26 2005

Docket No.: 4481-028

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Bernhard DEHMER

U.S. Patent Application No. 09/672,038

Filed: September 29, 2000

For: VALVE FOR LIQUID SEPARATION

Confirmation No. 3016

Group Art Unit: 3753

Examiner: John FOX

RESPONSE TO RESTRICTION REQUIREMENTCommissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

CERTIFICATION OF FACSIMILE TRANSMISSION
I HEREBY CERTIFY THAT THIS PAPER IS BEING FACSIMI-
LE TRANSMITTED TO THE PATENT AND TRADEMARK OFFICE
ON THE DATE SHOWN BELOW
Tracy A. Luke
TYPE OR PRINT NAME OF PERSON SIGNING CERTIFICATION
Tracy A. Luke 5/26/05
SIGNATURE DATE
703/872-9306
FACSIMILE NUMBER

In response to the Official Action mailed April 28, 2005, Applicant hereby elects, with traverse, the claims of Group I. The Examiner previously required restriction between the inventions of claims (1) 2-3, 5-11, 14-16, 39-48, 22-28 and 32-38 and (2) 17-21 and 29-31. In the February 12, 2003 response, applicant pointed out why this restriction requirement was improper.

The Group IV claims, i.e. claims 11 and 47, depend on claim 15, so that upon the allowance of claim 15 (in Group I) or any other claim of Group I upon which claims 11 and 47 depend, claims 11 and 47 must be considered. Consideration of claim 16 (Group II) requires consideration of claim 22 that depends on claim 17 (Group III). Claims 23-28 depend on claim 22 either directly or indirectly. Since claims 22-28 depend on claim 17, the Examiner must consider claim 17 when he considers claim 16. Consequently, restriction between claims 16 and 17 is improper, even though claim 17 does not define a multi-way valve. Claims 32-38 (in Group II) are grouped with claim 16 but claims 32-38 depend either directly or indirectly on claim 30 (which depends on claim 29), in Group III; the claims of Group III are not limited to a multi-way valve. Consequently, all of the claims in Group III, in actuality, require consideration of the claims of Group II and the restriction requirement between them is, accordingly, improper.

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In addition, because the inventions of Groups I-IV are closely related, there is no undue burden on the PTO to examine all the claims at the same time; see MPEP §803. In this regard, the PTO considered the claims on all features of the application in the past.

An early action on the merits of the claims of at least Group I (i.e., claims 15, 2, 3, 5-10 and 14) is in order.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

LOWE HAUPTMAN & BERNER, LLP



Allan M. Lowe
Registration No. 19,641

1700 Diagonal Road, Suite 300
Alexandria, Virginia 22314
(703) 684-1111 AML/tal
Facsimile: (703) 518-5499
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